

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER	)	
of the NEW ENGLAND TEAMSTERS AND	)	
TRUCKING INDUSTRY PENSION FUND	)	
	)	
Plaintiff,	)	
	)	C.A. No. 04cv11976 RGS
v.	)	
	)	
R.P. IANNUCCILLO AND SONS	)	
CONSTRUCTION COMPANY	)	
	)	
Defendant,	)	
	)	

**NOTICE OF DISMISSAL PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 41**

Now comes the Plaintiff, Fund Manager of the New England Teamsters and Trucking Industry Pension Fund, to notify this Court that he wishes to dismiss the above-captioned action without prejudice and with each party to bear its own costs pursuant to F.R.C.P. 41(a)(1)(i) as the Defendant has neither filed an answer nor motion for summary judgment.

Dated: January 20, 2005

Respectfully submitted,

For the Plaintiff,  
CHARLES LANGONE, FUND MANAGER  
By his Attorney,

/s/ Catherine M. Campbell  
Catherine M. Campbell  
BBO #549397  
Feinberg, Campbell & Zack, P.C.  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

Certificate of Service

I, Catherine M. Campbell, hereby certify that I caused a copy of the foregoing to be mailed this day by U.S. first-class mail to Bruce R. Iannuccillo, President, R.P. Iannuccillo and Sons Construction Co., 70 Calvery Street, Providence, RI 02908.

Date: January 20, 2005

/s/Catherine M. Campbell  
Catherine M. Campbell